

**CLOSED**

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

IN THE MATTER OF THE ARBITRATION  
BETWEEN HONEYWELL INTERNATIONAL, INC.,

Petitioner,

and

INTMETALS TRADING LIMITED, NICHOLAS  
ACHTERBERG, and IAN ROSS,

Respondents.

Civil A. No. 07-3713 (FSH)

**FINAL ORDER AND JUDGMENT**

**WHEREAS**, petitioner Honeywell International Inc. ("Honeywell") commenced an arbitration with the American Arbitration Association against respondents Intmetals Trading Limited ("ITL"), Nicholas Achterberg, and Ian Ross (collectively, "Respondents") and others; and

**WHEREAS**, in that arbitration, Honeywell asserted claims for breach of contract and breach of the covenant of good faith and fair dealing against ITL, and claims for fraud, conversion, and unjust enrichment against ITL, Achterberg and Ross, arising out of the performance of two contracts between Honeywell and ITL relating to the mining and sale of fluorspar;

**WHEREAS**, the arbitrator concluded that the evidence submitted by Honeywell was sufficient to support an award against Respondents on Honeywell's claims and entered on March 6, 2006 an Award of Arbitrator in favor of Honeywell (attached hereto as Exhibit A); and

**WHEREAS**, the arbitrator entered an Order Amending Award of Arbitrator on August 8, 2006 (attached hereto as Exhibit B and, together with the Award of Arbitrator, the "Award") that corrected a scrivener's error in paragraph 8 of the Award of Arbitrator; and

**WHEREAS**, Respondents have failed to comply with the Award; and


**WHEREAS**, Honeywell has petitioned the Court for the entry of a Final Order and Judgment confirming the Award and entering judgment thereon in favor of Honeywell and against Respondents; and

**WHEREAS**, there being no grounds to vacate, modify, or correct the Award;

**IT IS** on this 10<sup>th</sup> day of September 2007,

**ORDERED** that the Award is hereby confirmed; and it is further

**ORDERED** that judgment is hereby entered in favor of Honeywell on the Award, the terms of which are incorporated herein and made a part hereof.

  
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THE HONORABLE Faith S. Hochberg  
UNITED STATES DISTRICT JUDGE